

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

Jennifer Casey
Chairwoman

Sarah Lansdale, AICP
Commissioner

Date: March 1, 2023
Time: 2:00 p.m.
Location: Zoom Meeting

Members Present (11)

John Coverdale – Town of Brookhaven
David Doty – Town of East Hampton
Jennifer Casey – Town of Huntington
Timothy McCarthy – Town of Islip
Elizabeth Galle – Town of Shelter Island
John Finn – Town of Smithtown
Daniel Flynn – Town of Southampton
Thomas McCarthy – Town of Southold
Lisa Perry – Villages Over 5,000
Michael Kaufman – Villages Under 5,000
Stephanie Baldwin – At Large

Members Not Present (4)

Lasheca Lewis – Town of Babylon
John Condzella – Town of Riverhead
Kevin Gershowitz – At Large
Errol Kitt – At Large

Staff Present (7)

Sarah Lansdale - Commissioner
Andrew Freleng – Chief Planner
Theodore Klein – Principal Planner
John Corral - Environmental Projects Coordinator
William O'Brien – Research Analyst
Michael Camacho – Assist. County Attorney (Commission Counsel) then
Brittany Toledano – Assist. County Attorney (Commission Counsel)

Call to Order - The Suffolk County Planning Commission meeting of March 1, 2023 was called to order by Chairwoman Jennifer Casey at 2:00 p.m.

The Pledge of Allegiance

Adoption of Minutes - Motions to adopt the February Meeting Minutes were Tabled.

Public Portion – There were nine members of the public that requested time to speak to the Commission regarding referrals to the Planning Commission.

Guest Speakers –

Dawn Thomas, Economic Development Director for the Town of Riverhead; gave a presentation in support, providing clarification and answered Commission member questions relating the proposed the matter before the planning Commission to adopt an amendment to the Town of Riverhead's Zoning Code and Comprehensive Plan.

Mara Cerezo, Planner for the Town of Southold, along with **Mark Terry**, Assistant Town Planning Director for the Town of Southold; gave a presentation in support, providing clarification and answered Commission member questions relating to the Town of Southold's proposed subdivision, change of zone, and creation of a 24 unit affordable development known as Peconic Cottages which is on the Commission's agenda for consideration.

George W. Hubbard, Mayor for the Village of Greenport, along with Greenport Village Trustees **Mary Bess Phillips**, **Julia Robins** and **Peter Clarke**; as well as **Joseph W. Prokop**, Attorney for the Village of Greenport; gave presentation in support, providing clarification and/or answered Commission member questions relating to the Village's proposed Local Law creating a Six Month Moratorium on Development in the Waterfront Commercial, Retail Commercial and General Commercial Zoning Districts of the Village of Greenport.

Peter Van Scoyoc, Supervisor for the Town of East Hampton; addressed the Commission regarding the Wainscott Commercial Center proposed subdivision on the Commission's agenda, providing clarification and speaking in opposition to the proposal.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **Town of Riverhead, Downtown Riverfront Overlay District** - The application is referred by the Town of Riverhead, received on January 30, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium. The Riverhead Town Board seeks to enact legislation and modify the Riverhead Town Code (Local Law to Amend Chapter 301, Zoning and Land Development, Part 2. Districts), to include Article XLIVA "Downtown Riverfront Overlay District."

Staff initially needed more information about the overlay, and in the absence of such discussion or clarifying information staff would recommend Disapproval, without prejudice. However, during the Commission meeting Dawn Thomas, the Director of Community Development for the Town of Riverhead, provided such additional information to the Suffolk County Planning Commission.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code – (continued)

Town of Riverhead, Downtown Riverfront Overlay District – (continued) After deliberation the Commission determined that the additional information needed to clarify and support the proposed legislation and modify the Riverhead Town Code (Local Law to Amend Chapter 301, Zoning and Land Development, Part 2. Districts), to include Article XLIVA "Downtown Riverfront Overlay District" was provided by the Town official during the meeting and commission member Flynn made a motion to approve with two comments for their consideration and use by the Town of Riverhead. The motion was seconded by Commission member Kaufman, vote to approve; 11 ayes, 0 nays, 0 abstentions.

- **Country Pointe Estates at Kings Park** – The application is referred by the Town of Smithtown, received on January 24, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium. Applicants seek change of zone approval from the Smithtown Town Board from the R-21 (Residential-minimum lot size 21,780 SF) to R-6 (townhouses-minimum lot size 217,800 SF) for the construction of a proposed development of a 391-unit, non-age restricted "luxury condominium" complex, with accessory clubhouse, recreational amenities (swimming pool, bocce, pickle-ball and tennis courts) and an on-site sewage treatment plant. Ten percent of the units will be marketed as affordable/workforce housing units. The total gross floor area of the petitioned development equals approximately 930,877 square feet. The proposed project is situated in the Hamlet of Kings Park on a 71.11 acres.

Staff notified the Commission that the petitioners have not yet completed their application by submitting the fee to the Commission in order to review the application. Therefore, the application will not be considered by the Suffolk County Planning Commission until the fee is submitted and was deemed administratively incomplete by staff, no further action was taken by the Commission.

- **Peconic Cottages** – The application is referred by the Town of Southold, received on January 2, 2023 - the Commission's jurisdiction for review is that the application is within 500 feet of Middle Road (CR 48). The Town of Southold is proposing on its own motion a zoning change over a vacant and undeveloped 5 acre created parcel at 1080 Carroll Avenue in the hamlet of Peconic, from existing AC (Agricultural Conservation District) to AHD (Affordable Housing District) and to subdivide the parent 10.2 acre property into three lots including the 5 acre created lot for affordable housing, to be known as "Peconic Cottages"

The staff report recommended approval of the Change of Zone and Subdivision to allow for the proposed 24 workforce housing unit cottages along with ten (10) comments to be offered for their consideration and use by the Town of Southold.

After deliberation Commission resolved to generally agree with the staff report and a motion to Approve the Change of Zone and Subdivision and to offer eleven (11) comments for their consideration and use by the Town of Southold was made by Commission member Thomas McCarthy and seconded by Commission member Perry, vote to Approve; 11 ayes, 0 nays, 0 abstentions.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code – (continued)

- **Village of Greenport**, Moratorium on development in the WC, CR & CG zoning districts – The application is referred by the Incorporated Village of Greenport Board of Trustees, received on January 9, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium, also is adjacent to a shoreline. The subject referral is for a proposed six month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning Districts (Local Law of 2023 Creating Section 150-51). As noted in the referral, for a period of six months no application for the construction, development, or use of any property in the subject zoning districts shall be accepted or considered and no development approval regarding any property located in said districts shall be considered or granted by the Planning Board, Zoning Board of Appeals, or the Board of Trustees.

The staff report recommended disapproval of proposed Local Law of 2023; Section 150-51 of the Greenport Village Code creating a six-month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts of the Village of Greenport and gave three reasons: 1. The proposed moratorium is too broad in its goals for the six to twelve month time frame and has the potential to be prolonged beyond several years; 2. There are not specific findings of fact that confirm the necessity of the action or how serious and urgent these circumstances are; 3. No finding in the moratorium discusses that there are no other alternatives, less burdensome on property rights than a moratorium.

After deliberation the Commission determined the referral to be in need of clarifying and supporting information and commission member Kaufman made a motion to deem the referral incomplete pending submission of clarifying information supporting the moratorium. The motion was seconded by Commission member Galle, vote to deem Incomplete; 11 ayes, 0 nays, 0 abstentions.

- **Wainscott Commercial Center** – The application is referred by the Town of East Hampton, received on February 16, 2023 (previously deemed incomplete at December 5, 2018 Commission Meeting) - the Commission's jurisdiction for review is that the application is within 500' of both State Route 27 (Montauk Highway) and NYS DEC designated freshwater wetlands; and within one mile of the Town of East Hampton municipal airport. The applicant seeks approval from the Town of East Hampton Planning Board to subdivide approximately 70.5 acres of land that is known as the Wainscott Sand and Gravel Mined property into a total of 50 lots, all in conformance with the Commercial Industrial (CI) zoning category of the property. Of the 50 lots proposed, 2 of them contain existing improvements (concrete manufacturing facility and stone and masonry supply business) that will remain. The future development would occur on the remaining 48 proposed lots.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code – (continued)

Wainscott Commercial Center (continued) - The staff report recommended approval of the proposed subdivision and offered fifteen (15) comments for consideration and use by the Town of East Hampton. After deliberation it was the belief of the Suffolk County Planning Commission that the subdivision should be on the leading edge of thoughtful development given its unique environmental issues and its potential impacts on traffic, ground and surface waters including Georgica Pond and community character, and again deemed the referred Wainscott Commercial Center preliminary subdivision to be Incomplete, and resolved that the subdivision referral will not be reviewed until certain information is submitted through the offices of the municipal referring agency including an updated traffic impact study, material demonstrating that the NYs Department of Transportation has been contacted regarding the anticipated requirement to significantly redesign Montauk Highway in Wainscott as a result of the proposal, and material demonstrating that the applicant has taken into consideration the recently completed Wainscott Hamlet Study and its recommendations for a 'clustered' alternative layout (allocating for potential rail spur, pedestrian platform, housing and recreational areas).

The motion to deem the subdivision application Incomplete for the reasons given was made by Commission member Doty and seconded by Commission member Kaufman, vote to deem Incomplete; 11 ayes, 0 nays, 0 abstention.

Other Commission Business

- Chairwoman Casey indicated that the next Commission meeting is to be held on Tuesday, April 4th at 2 p.m. via Zoom.
- Motion to adjourn meeting by Commission member Kaufman, motion was seconded by Commission member Timothy McCarthy, approved unanimously.